

1-10-05

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PATENT
Docket No. 282172002900

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV336621835US, in a box addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 6, 2005

Signature:

Georgina Matos (Georgina Matos)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Thomas W. DUBENSKY, Jr. et al.

Serial No.: 10/773,792

Filing Date: February 6, 2004

For: LISTERIA ATTENUATED FOR ENTRY
INTO NON-PHAGOCYtic CELLS,
VACCINES COMPRISING THE
LISTERIA, AND METHODS OF USE
THEREOF

Examiner: Not Yet Assigned

Group Art Unit: 1645

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record in the application.

This Supplemental Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of ___ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of ___ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

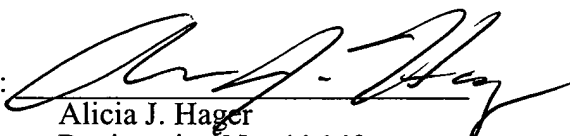
Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

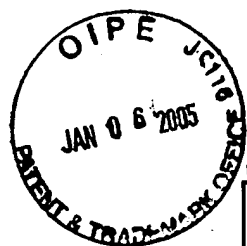
In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 282172002900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 6, 2005

Respectfully submitted,

By: 
Alicia J. Hager
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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/773,792
	Filing Date	February 6, 2004
	First Named Inventor	Thomas W. DUBENSKY, Jr.
	Art Unit	1645
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	16 + 73 Refs.	Attorney Docket Number 282172002900

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. Form PTO-1449 + copy (12 pages)
<input checked="" type="checkbox"/> Information Disclosure Statement (Supplemental - 3 pages)	<input type="checkbox"/> CD, Number of CD(s) _____	2. 73 References
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	3. Return Receipt Postcard
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP (Customer No. 25226)		
Signature			
Printed name	Alicia J. Hager		
Date	January 6, 2005	Reg. No.	44,140

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Dated: January 6, 2005

Signature:

(Georgina Matos)

Form PTO-1449

Docket Number 282172002900

Application Number 10/773,792

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

Applicant

Thomas W. DUBENSKY, Jr. et al.

Filing Date February 6, 2004

Group Art Unit 1645

Mailing Date January 6, 2005

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	03/07/2002	2002/0028432	Cook et al.			
	2.	12/05/2002	2002/0182581	Cook et al.			
	3.	09/16/2004	2004/0180321	Cook et al.			
	4.	10/07/2004	2004/0197343	Dubensky, JR. et al.			
	5.	01/09/2001	6,171,777	Cook et al.			
	6.	01/23/2001	6,177,441	Cook et al.			
	7.	06/25/2002	6,410,219	Cook et al.			
	8.	01/27/2004	6,682,729	Powell et al.			
	9.	03/23/2004	6,709,810	Cook et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	10.	08/06/1993	FR 2 686 896	France			Abstract
	11.	08/05/1993	WO 93/15212	WIPO			YES
	12.	11/07/1996	WO 96/34631	WIPO			
	13.	12/19/1996	WO 96/39818	WIPO			
	14.	06/17/1999	WO 99/29884	WIPO			
	15.	07/15/2000	WO 99/34839	WIPO			
	16.	10/17/2002	WO 02/20982	WIPO			
	17.	10/07/2004	WO 04/084936	WIPO			
	18.	12/23/2004	WO 04/110481	WIPO			

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.